

# Religious Persecution in America?

by Jeff Wehr

RELIGIOUS persecution against minorities has already existed on a large scale in America. When did this happen? It happened during colonial and post-colonial days. Who did the persecuting? It was done by religious people who were themselves persecuted for religious reasons in Europe.

This is, of course, one of the most tragic inconsistencies of the fallen nature of man. No sooner had the early American colonists stepped on to the shores of this great land, than they forced their fellow immigrants to conform to their religious dogmas. Chief Justice Morrison R. Waite wrote, "The people were taxed, against their will, for the support of religion, and sometimes for the support of particular sects to whose tenets they could not and did not subscribe. Punishments were prescribed for a failure to attend upon public worship, and sometimes for entertaining heretical opinions." Chief Justice Morrison R. Waite, in *Reynolds v. U.S.*, 145.

Many of the punishments against religious dissenters were very severe. For example, the Virginia Colony in 1610 had among its religious enactments, section 3, which declared: "That no man blaspheme God's holy name upon pain of death, or use unlawful oaths, taking the name of God in vain, curse, or ban [invoke evil], upon pain of severe punishment for the first offence so committed, and for the second, to have a bodkin [dagger] thrust through his tongue, and if he continue the blasphemy of God's holy name, for the third time so offending, he shall be brought to martial court, and there receive censure of death for his offence." *Tracts Relating to the Colonies in North America* (Washington, 1844), vol. 3, no. 2, p. 10.

The first Sunday law in America was the Virginia Sunday law of 1610, which read: "Every man and woman shall repair [go habitually] in the morning to the divine service and sermons preached upon the Sabbath day, and in the afternoon to divine service, and catechizing [teaching the principles of Christian dogma and ethics], upon pain for the first fault to lose their provision and the allowance for the whole week following; for the second, to lose the said allowance and also be whipt; and for the third to suffer death." G. Edward Reid, *Sunday's Coming*, 77.

In 1671 the Plymouth Colony passed a Sunday law in which death was the fate for dissenters. In 1646 the Massachusetts Bay Colony passed a law compelling the people to attend church on Sunday, and invoked the death penalty for those who denied the inspiration of the Bible. In 1723 Maryland enacted laws imposing fines upon those who violated the Sunday laws. In 1739 Delaware put Sunday violators in the stocks for four hours. See *American State Papers*, 17-77.

These Sunday laws not only threatened to punish dissenters severely, but also they made it financially difficult for those who, for religious reasons, closed their shops on the seventh-day Sabbath, in addition to the enforced closing on Sunday. In fact, many Jewish store owners felt it necessary to open their shops on Saturday in order to be able to compete in the marketplace. In 1791 Mrs. Rebecca Samuel wrote to her parents in London, England, stating that "on the Sabbath all the Jewish shops [except hers] are open, and they do business on that day as they do throughout the week." Louis Ginsburg, *Religious Freedom and the Jew in Colonial Virginia*, 7.

Our Founding Fathers--George Washington, Thomas Jefferson, James Madison, and others--did not agree with this cruel treatment of those who believed differently in matters of religion. George Washington wrote, "All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean [conduct] themselves as good citizens, in giving it on all occasions their effectual support." *George Washington Papers*, Letter Book 30, pp. 19-20.

Fortunately, America has progressed from persecuting religious dissenters-- to tolerating religious dissenters--to providing religious freedom to all because it is a natural right.

President Washington was addressing the very significant issue of toleration versus liberty. There have been Sunday laws that have in them an exemption for those who choose to observe another day as the Sabbath. However, even these exemptions do not make Sunday laws either constitutional or Biblical. Exemptions for Sunday laws are wrong for the following reasons:

**1.** An exemption is nothing more than an act of toleration. But toleration is not synonymous with religious liberty. Dr. Philip Schaff wrote, "Toleration is an important step from State-churchism to free-churchism. But it is only a step. There is a very great difference between toleration and liberty. Toleration is a concession which may be withdrawn; it implies a preference for the ruling form of faith and worship, and a practical disapproval of all other forms. . . . In our country we ask no toleration for religion and its free exercise, but we claim it as an inalienable right." *Schaff's Church and State in the United States*, 14. (As quoted from *Facts for the Times*, 221.)

Richard M. Johnson wrote, "Our Constitution recognizes in every person the right to choose his own religion and to enjoy it freely, without molestation. . . . The proper object of government is to protect all persons in the enjoyment of their civil as well as religious rights, and not to determine for any whether they shall esteem one day above another, or esteem all days alike holy. . . . What other nations call religious toleration, we call religious rights. They are not exercised in virtue of governmental indulgence, but as rights of which government cannot deprive any portion of citizens, however small. Despotism may invade those rights, but justice still confirms them." *American State Papers*, 89-100.

The free exercise of religion is something every man may demand as an inalienable right--not something which he must plead for as a privilege or luxury. To grant the government the power to tolerate, is to grant that same government the power to prohibit. To say that the government has the right to allow men to worship God, is to empower that same government with the right to deny men their religious rights. Consequently, our Founding Fathers limited the powers of government. "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." *The First Amendment to the American Constitution*.

**2.** An exemption for Sunday laws is wrong because it demands more from those who are exempted than from those who worship on Sunday. Why? Because those who are exempt must "conscientiously" observe the day they keep. They must prove that the day they keep is based on

a conviction and not a preference. However, the man who goes to church on Sunday because it is the law, may or may not do so as an act of conviction. He need not even have faith in Jesus Christ as the Saviour of the world. Yet the man who chooses to worship on a different day is placed under the closest scrutiny.

**3.** Such laws with exemptions are wrong, because the assumption is that the majority has the legal power to grant or prohibit rights and liberties to the minorities. Inalienable rights do not come from majorities; they come from the Creator. This assumption of power by the majority is clearly expressed in the following words, "There is not a Seventh-day Adventist in this State [Michigan] that dare plow his field, or reap his grain, or build his house, or thrash his wheat, or chop his wood, without pleading his right to do so under the exemption clause of our laws, which clause has its root in his conscientious and religious convictions and customs. The only legal right the Seventh-day Adventists have to do secular work in shop, on house, in field, or to run their presses, etc., in their publishing concern on the Christian Sabbath, is a right given them by this State on religious grounds only." *Michigan Sabbath Watchman*, June, 1892.

Of course, there are those who would grant no exemption. From the book, *Craft's Sabbath for Man*, the following is recorded, "Infinitely less harm is done by the usual policy, the only constitutional or sensible one, to let the insignificantly small minority of less than one in a hundred, whose religious convictions require them to rest on Saturday . . . suffer the loss of one day's wages rather than have the ninety-nine suffer by the wrecking of their Sabbath by public business." *Craft's Sabbath for Man*, 262.

With or without exemptions, Sunday laws would not only trample upon religious freedom but they would chip away at other liberties as well. If the government can take away your freedom to work on Sunday, then they can just as easily take away your freedom of speech to protest against Sunday legislation.

Of course, some would argue that Sunday laws today would not carry with them the severe penalties that the Puritans attached to them. However, let the experiences of the honest hard-working people who lived in the 1880s and the 1890s, who suffered persecution under the Sunday laws, speak to that argument. In 1895 the State of Arkansas repealed the exemption clause in their Sunday laws to benefit some unprincipled saloon keepers and other merchants who wanted to conduct their businesses seven days a week. The repeal of the exemption allowed the unscrupulous saloon operators to serve their poison, but it created a hardship for honest and God-fearing people. These Sunday laws forced observers of the seventh-day Sabbath to pay heavy fines and to be imprisoned.

For example, Mr. McCoy moved from Kentucky to Arkansas in 1873. He served as a constable for seven years and as a justice of the peace for two terms. Then in 1884 he became convicted that the seventh day is the Sabbath of the Lord, and he joined the Seventh-day Adventist Church. In August of 1885, he was in his corn field with his horses plowing on Sunday. His farm was at least half a mile from the nearest public road, and several miles from any public place of worship. A Mr. Wetherford, a member of the Methodist Church, came to visit Mr. McCoy, and spoke with him for several hours as Mr. McCoy continued to plow his field. In September, Mr. McCoy was arrested and placed on bond based on the testimony of Mr. Wetherford. Why was he

arrested? Was it because he disturbed the peace of those attending church on Sunday? I think not. He was singled out because he kept the seventh-day Sabbath.

A St. Louis newspaper had this to say about the unjust treatment of the seventh-day observers: "They have been from the first apparently an industrious and God-fearing people; the chief difference between them and other Christian bodies being that they observe the seventh day as the Sabbath, according to the commandment. . . . It is a little singular that no one else has been troubled on account of the law, with perhaps one minor exemption, while members of the above denomination are being arrested over the whole State. It savors just a trifle of the religious persecution which characterized the Dark Ages." *Globe-Democrat*, November 30, 1885.

It is amazing that many God-fearing people were persecuted for religious reasons while the Constitution of the State of Arkansas forbade it. The Constitution of the State of Arkansas declares that, "All men have a natural and indefeasible [cannot be annulled] right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent. No human authority can in any case, or manner whatsoever, control or interfere with the right of conscience; and no preference shall ever be given by law to any religious establishment, denomination, or mode of worship, above any other."

The spirit behind these Sunday laws in Arkansas was anything but Christian. J. N. Tillman, who framed the Sunday law bill of 1889, said the following, "In my county [Washington] we have a religious sect known as the Seventh-day Adventists, a very devout and respectable people, but they labor on our Sabbath [Sunday], and greatly annoy the Christian people of that section. . . . If you lived in Springdale for a few months, your opinions on the 'religious liberty' function would undergo a radical change. Those Seventh-day Adventists are generally good citizens, but they have become very aggressive since the passage of the Sunday law of two years ago, and our people are getting very tired of them. The senator from Independence suggests that if this bill should pass, it will drive these people from the State. That would not be a serious loss. There would be fewer Sabbath-breakers to deal with." *Facts for the Times*, 229.

Here is a "religious" man, who admits that the Seventh-day Adventists are "generally good citizens" and are "a very devout and respectable people." However, he proposes to bring about certain conditions that would drive these "devout and respectable people" away from the State entirely, just to satisfy the religious bigotry of those in his county. So much for toleration or religious liberty.

The National Reform Association (N.R.A.) movement, the strongest proponents of Sunday legislation in the 1880s and the 1890s, had this to say about the persecution of seventh-day observers under Sunday legislation: "As to the alleged cases of persecution in three States, I have read the Adventists' description of the cases in Arkansas, and they [the Seventh-day Adventists] are not of the public spirited class that is willing to 'suffer for the common good.' The old man and his son of seventeen whose horse was sold for \$27, and the man whose young wife and child died while he was in prison, brought that evil on themselves by breaking the law." Pastor F. M. Foster, *Christian Statesman*, October 10, 1889.

The reasoning expressed by Pastor Foster is that the poor victims were guilty of murdering themselves by refusing to renounce their beliefs. But such reasoning is what led to the Inquisition. This sort of thinking places a premium on hypocrisy and a minimum on human life and individual rights.

What many fail to understand is that conscientious men are not the enemies of just laws or just governments. The one form of government that they threaten is a tyranny. When the prophet Daniel chose to pray only to the God of heaven, a practice contrary to the law of the land, he was in the truest sense the Babylonian government's friend and supporter. Those who had a zeal to carry out the unjust law were indeed Babylon's real enemies. See Daniel chapter 6. An unjust man refusing to obey a just law is quite different from a just man refusing to obey an unjust law. It is the difference between night and day.

The National Reform Association was founded in Xenia, Ohio, in 1863 by eleven Protestant denominations. Their purpose was to nullify the First Amendment, which guarantees the separation between church and state. Dr. David McAllister said, "Those who oppose this work now will discover, when the religious amendment is made to the Constitution, that if they do not see fit to fall in line with the majority, they must abide by the consequences, or seek some more congenial clime." Dr. David McAllister, at the National Reform Convention at Lakeside, Ohio, August, 1887.

It would seem evident that Dr. McAllister saw himself as upholding the truth while others of differing convictions were in the wrong. He would, no doubt, champion the cause of toleration if he were in the minority. However, it is quite evident that if he were in the majority, the minority would suffer.

The question for us today is, Have we learned from the distant past, and the not-too-distant past? Present-day evangelical Gary North wrote, "We must use the doctrine of religious liberty to gain independence for Christian schools until we train up a generation of people who know that there is no religious neutrality. . . . Then they will get busy in constructing a Bible-based socially political, and religious order, which finally denies the religious liberty of the enemies of God." Goldstein, *One Nation Under God*, 41.

Columnist Cal Thomas wrote, "If we will not be constrained from within by the power of God, we must be constrained from without by the power of the State, acting as God's agent." *Harper's Magazine*, March 1995, 30.

There are many who are caught up into the religio-political movement who have the best of intentions. However, their efforts are leading this nation into apostasy from God. It is bad enough to enact a day of worship that is contrary to the Sabbath inscribed by God's own finger in the Ten Commandments, but to punish those who do not agree with us demonstrates a spirit that is far from the spirit of Christ.

Soon the national Sunday law will be here. It may begin at first with an exemption for Sabbathkeepers. However, eventually it will soon be unlawful for us to buy and sell. In the end, we will surely face a death decree. O, dear friends, how important it is for us *now* to keep the

Sabbath holy! Jesus will soon be here. Soon we will have to take our stand for truth against the whole world. I repeat, keep the Sabbath holy, dear friends. Make it a matter of prayer and dedication to experience the sanctifying power of God's holy day. Receive all the blessings it has to offer. Indeed, "Remember the sabbath day, to keep it holy." Exodus 20:8.